



Board of Nursing Home Administrators Meeting Minutes

October 23, 2020

Virtual Meeting via Microsoft Teams

Committee members present:	Ann Zell, NHA, Chair Carl Christensen, RN, PHD, Vice Chair Marlita Basada, RN Angela Cerna, NHA Sharon Rinehart, NHA Rosalie Romano, Public Member
Committee members absent:	Mary Kangas, RN Jesse Shelton, NHA Catherine Van Son, Ph.D., RN, ANEF
Staff members present:	Martin Pittioni, Director, Office of Health Professions James Chaney, Executive Director Kendra Pitzler, Program Manager Karen Gohlsen, Program Support Gail Yu, Assistant Attorney General Jeff Wise, Credentialing Supervisor Lynda Ridgeway, Finance & Operations Manager
Guest presenters:	None

On October 23, 2020, the Board of Nursing Home Administrators Meeting met online via Microsoft Teams. Notice of the meeting was published on the Board of Nursing Home Administrators' profession [website](#) and was sent out through the GovDelivery listserv.

Open Session:

1. Opening of Public Meeting – Annie Zell, Chair

- 1.1. Call to Order - The chair called the meeting to order at 9:05 a.m.
- 1.2. Introductions – Committee and agency staff members introduced themselves and their area of practice.
- 1.3. Other – There were no other topics of discussion.

2. Consent Agenda – Annie Zell, Chair

- 2.1. October 23, 2020 agenda.
- 2.2. July 24, 2020 regular meeting minutes.
- 2.3. September 1, 2020 special meeting minutes.

Motion to approve the items on the consent agenda, seconded, vote 6-0.

3. Discussion of Items Removed from the Consent Agenda – Annie Zell, Chair

No items were removed from the consent agenda.

4. Nursing Home Administrator Program Statistics

4.1. Credentialing Statistics – Kendra Pitzler, Program Manager

Ms. Pitzler presented the credentialing statistics for the program as Kevin Robbins (credentialing supervisor) was unable to attend the meeting. The number of licenses in active status (398) is down significantly as a result of the number of expiring credentials. Ms. Pitzler believed that is mainly due to the backlog created by extending the due date of all license renewals to September 30, 2020. In addition, she noted that the August number (287 days) for the overall application processing time most likely includes time for AIT training, which should not be counted for that dataset.

4.2. Disciplinary Statistics – Kendra Pitzler, Program Manager

Ms. Pitzler presented the disciplinary statistics for the past quarter (July 16, 2020 – October 15, 2020). Of the 20 disciplinary reports reviewed by the board only four were opened for investigation. It was speculated that the low number of reports and cases were due, in part, to fewer visitations during the COVID-19 pandemic and fewer surveys conducted by DSHS.

5. Budget Presentation – Lynda Ridgeway, Finance and Operations Manager

Prior to the presentation, Ms. Pitzler provided a brief overview of the budget. For direct charges, salaries were somewhat overspent adding to the deficit in that category. For service unit expenditures, Ms. Pitzler noted that the adjudicative services unit was in deficit due to

one case that went to hearing. She went on to say that the board has not had a hearing in about ten years, so that was not built into the budget.

Ms. Ridgeway presented an overview of the financial health of the board and provided options for increasing the licensure fees. The fund balance for end of the 2020 fiscal year is -\$396,000 and the deficit is expected to increase further given the decline in license renewals. Since the nursing home administrator program, like most regulated professions in Washington State, is sustained on licensure fees alone, it will be necessary to increase the fee to change the current downward trajectory. To assist the board's understanding of the underlying issues, Ms. Ridgeway provided a breakdown of the costs to the profession. The highest share of the expenditures is for enforcement and the profession has seen more disciplinary cases since 2015 (the increase in cases doubled between 2014 and 2015) and that rate has remained steady. She added that the bulk of the complaints have come from the Complaint Resolution Unit at DSHS, a number that has grown by 63 percent in the past five years and makes up 72 percent of all complaints received for the profession.

Ms. Ridgeway presented a forecasting model with three options: do nothing, increase licensure fees by 40 percent, or increase licensure fees by 75 percent. Doing nothing would more than double the deficit by 2026, while a 40 percent increase (initial license fee from \$575 to \$805, renewal license fee from \$695 to \$975) would reduce the deficit by \$100,000. Only the 75 percent increase will return the fund balance to just above the target reserve. However, neither model takes into consideration the negative impact a fee increase may have on the licensee base, which will further exacerbate the problem of declining licensure. For this reason, there are no expectations that the fee increase would eliminate the negative fund balance. Mr. Pittioni stated that it will require more than a fee increase to find a solution and he believed it would require a partnership between DOH and the board.

Next steps include a fee increase stakeholder workshop, filing of the CR-102 for proposed fees, and the final hearing. While the dates are still tentative at this point, the effective date is anticipated to be August 1, 2020.

6. Budget Discussion – Annie Zell, Chair

Chair Zell asked board members for their comments and questions regarding the budget presentation (item 5). Mr. Christensen asked a question about indirect administrative costs and how they were calculated. Ms. Ridgeway explained that the indirect rate is established through a process with the federal government and that it is applied to all direct costs for all the programs at DOH and is used to cover general administrative expenses. The current rate for indirect costs is 28.2 percent and is only applied to actual costs. Mr. Christensen also expressed concern that there would be fewer NHAs, due to the cost of renewing a license, to provide backup in the event a facility needs one. He wondered if there could be a new credential created for retirees for a lower licensing fee. Mr. Pittioni said it was possible, but fraught with scope of service and other issues where those types of licenses are in place. Ms. Pitzler added that part of the reason Washington licensure was so much higher than other states is that Washington relies on the revenue of licensure fees to support the program. Other states have more leeway in their fee structures. Ms. Zell added that she has multiple licenses and Washington is by far the most expensive and she believes that will be the reason people

do not renew if they do not need to. She added that many assisted living facilities prefer administrators who are licensed, but it is not a requirement.

AAG Yu brought up another issue regarding the fact that there is overlap between DOH and DSHS in regulating NHAs that struggles under the combined responsibility of federal and state law. She went on to suggest that a legislative fix should be considered. The AAG also suggested what other states and NAB are doing in terms of the health services executive credential requirement for long-term care facility administrators. She added that, while the number of complaints is low right now, she believes the number will explode in 2021 and 2022 and creative solutions will be needed. Ms. Rinehart commented that people are leaving the profession for a variety of reasons and something needs to be done differently. She added that since 72 percent of referrals (complaints?) are from DSHS, that needs to be part of the conversation. Mr. Christensen wondered if it could be possible through legislation to exact a surcharge on long-term care facilities that would cover the increase so the burden would not be put on the practitioner. Mr. Pittioni stated that would primarily involve DSHS and the legislature; DOH would have little leverage in that situation, but the board is welcome to explore that route. Moving forward, the board will need to look at structural changes to broaden the base of licensees. Regarding the fee increase, the board can suggest an increase, but the ultimate authority is with the secretary of DOH. Ms. Zell suggested the fee increase be 35 percent in two increments of 17.5 percent. *Motion to raise the licensure fee in two increments of 17.5 percent, seconded, vote 6-0.*

7. Eastern Washington University Preceptorship Issue – Kendra Pitzler, Program Manager

Ms. Pitzler updated the board on a recent situation. Some Eastern Washington University (EWU) students enrolled in the Health Services Administration degree program with a long-term care option were unable to gain preceptorships this past spring and summer due to the COVID-19 pandemic. In August, Ms. Pitzler had received information that these students received their degree only in Health Services Administration and were not granted the degree with the long-term care option. In September 2020, the board approved a process to allow, on a case by case basis, a class to be used toward the AIT but did not consider the issue related to graduation of the long-term care program without a preceptorship due to the information that the students were not granted a degree with the long-term care option. In September, Ms. Pitzler received information that EWU did issue the long-term care administration degree to five students without the preceptorship. Of the five students, three either have already or are planning to apply for licensure and each has found a preceptor and plan to go through an AIT program. The other two are planning to pursue a master's degree and are not planning to apply for licensure.

The board determined that, because all applicants who would be applying for licensure are requesting an AIT program, no action is necessary at this time.

8. Open Public Meeting Act (OPMA) & Records Retention Training – Gail Yu, Assistant Attorney General

AAG Yu presented to the board and answered questions related to the OPMA and records

retention. This training is provided every four years and whenever new members join the board.

9. Emergency Rules for Continuing Education – Kendra Pitzler, Program Manager

On September 1, 2020, the board voted to adopt emergency rules to allow training and experience related to the pandemic to count towards continuing education requirements. Ms. Pitzler gave an update to the board regarding the rules filing. The [CR-103E](#) was officially filed on October 12, 2020 and the information has been posted on the website and distributed on the listserv. Next steps include developing a form that administrators can use to sign for their continuing education attestation, drafting a CR-101 to initiate making the emergency rules permanent, and communicating via email with every NHA licensee.

10. Program Manager Report – Kendra Pitzler, Program Manager

Board Membership - Ms. Pitzler reported to the board that three of the nine board positions will be open next year (one NHA and two healthcare professionals or educators); two of the members can no longer fulfill their duties of serving on the board and one member will be ineligible for a second term due to retirement. All departing members will be serving out the entirety of their terms.

AIDS Education Repeal ([ESHB 1551](#)) - Ms. Pitzler provided an update on amending the rules ([WAC 246-843-162](#)) due to the repeal of the AIDS training requirement. She plans on getting the CR-105 drafted soon to get that process underway.

NAB Meeting - Ms. Pitzler announced that the National Association of Long-Term Care Administrator Boards (NAB) will be holding its annual meeting online this year and is free for all board members. The meeting will take place October 26 - 30, 2020 and she encouraged all board members to attend if they are available.

11. Executive Director Report – James Chaney, Executive Director

- 11.1. Legislative Update – Mr. Chaney reported that DOH will be sponsoring legislation to increase the size of the board from 9 to 11 members, but he is uncertain if the bill will make onto the legislative agenda given the impact of COVID-19.

12. Subcommittee Activities & Updates

- 12.1. AIT Subcommittee – Ms. Rinehart announced that they will be meeting at the end of November. The purpose of the subcommittee is to review feedback from students and preceptors to make improvements in the process and experience. The current topic of discussion pertains to students who do training in smaller facilities (50 beds or less) and are required to get 50 percent of their training from a larger facility. The preceptor from the larger facility does not take part in the evaluation process nor do they have to satisfy any of the requirements for being a preceptor. The subcommittee has been working on ways to close that loophole.

- 12.2. Exceptions Policy Subcommittee – Ms. Romano reported that the subcommittee was looking at exceptions to 18.52 RCW. The subcommittee is waiting for a retrospective study relating to what other professions are doing. When that is done, they will invite the AAG to the next subcommittee meeting to discuss.

13. Nursing Care Presentation, Catherine Van Son, Board Member

Tabled until the next meeting.

14. Meeting Adjourned at 12:49 p.m.

Submitted by:

Kendra Pitzler, Program Manager
Board of Nursing Home Administrators

Approved by:

Annie Zell, Chair
Board of Nursing Home Administrators

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